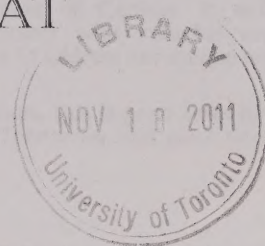


SENATE



CANADA

SÉNAT



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Tuesday, October 18, 2011

The Honourable NOËL A. KINSELLA  
Speaker

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(Daily index of proceedings appears at back of this issue).

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## THE SENATE

Tuesday, October 18, 2011

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### HEALTH CARE

##### TERRITORIAL HEALTH SYSTEM SUSTAINABILITY INITIATIVE

**Hon. Daniel Lang:** Honourable senators, I rise today to speak about the extension of the Territorial Health System Sustainability Initiative, which has helped to reduce the North's reliance on outside health care systems and medical travel.

This summer, Prime Minister Stephen Harper announced significant support to improve local health care for northern families by extending the current health agreement for an additional two years. He was joined by Health Minister Leona Aglukkaq; Darrell Pasloski, Premier of Yukon; Floyd K. Roland, Premier of the Northwest Territories; and Eva Aariak, Premier of Nunavut.

With this announcement of an additional \$60 million for health care funding, northerners will be able to maintain their health systems. Sustained investment in territorial health systems supports the federal government's priorities in the North and has translated into improved health status and health services.

The three territories continue to face challenges in delivering health services to remote communities with limited economies of scale, the widely dispersed population and costly medical equipment. They also face ongoing and critical health human resource challenges on a daily basis.

Since its establishment, the health agreement has enabled the governments of Yukon, the Northwest Territories and Nunavut to develop social inclusion and wellness strategies for the territories. It has also concluded some projects and launched time-limited initiatives such as the development of health risk management and quality assurance policies for Yukon.

In keeping with this objective, in 2005 the federal government provided the territories with a five-year, \$150-million targeted fund. This agreement facilitated the transformation of territorial health systems toward greater responsiveness to northerners' needs and improved community-level access to services. In the 2010 budget, northerners were granted a further two-year extension to consolidate the progress made in the first five years of the accord.

Most important, this initiative builds on the previous announcement made supporting health care in the North, which includes our commitment to provide loan forgiveness to health professionals who are practising in rural and remote communities.

This additional two-year extension will put us in the same time frame as the provinces for negotiating a long-term health accord with the Government of Canada. It will also provide the territorial governments with valuable resources to explore innovative solutions to address our unique health care challenges.

Honourable senators, this is good news for Yukon, good news for the Northwest Territories, and good news for Nunavut.

[Translation]

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw to your attention the presence in the gallery of the Honourable David Alward, the Premier of New Brunswick. On behalf of all the honourable senators, welcome to the Senate of Canada.

[English]

#### GOVERNOR GENERAL'S AWARDS IN COMMEMORATION OF THE PERSONS CASE

**Hon. Elizabeth Hubley:** Honourable senators, the Governor General's Awards in Commemoration of the Persons Case were handed out to six deserving women this morning. This annual award ceremony honours outstanding Canadians who through leadership, personal achievement and community engagement have made a significant contribution to the advancement of girls and women.

I am pleased to rise today to recognize this year's winners: Madeline Boscoe, Nancy Hartling, Lucie Joyal, Sharon McIvor, Kim Pate and Amber JoAnn Fletcher. Congratulations on your award!

**Hon. Senators:** Hear, hear.

**Senator Hubley:** Eighty-two years ago, the British Privy Council overturned the decision of the Supreme Court of Canada and declared that women were indeed persons under the law and therefore eligible to sit in the Senate. What a profound impact that decision has had on the development of our country.

Women today can do anything and, in fact, are doing incredible things. In our boardrooms, universities, science labs and Houses of Parliament, women are leaders and innovators and we, as a country, benefit every day from their talents, intelligence, insight and energy. It is hard to believe today that there was ever a time when not only a woman's ability could be questioned but even her innate value as a person and as a citizen, too.

The legacy of the Famous Five women, who took their unwavering confidence in their own equality and dignity all the way to the highest court in the land and triumphed, is one of



courage, integrity, and belief in individual human potential. The Persons Case changed not only how the law viewed women, but how women viewed themselves. We have never looked back.

Honourable senators, much has been accomplished in the past 82 years, but that does not mean that the fight is finished. The six award winners who were recognized at Rideau Hall today remind us about the thousands of women and girls who still suffer from domestic violence, abuse and discrimination. We must continue our vigilance, continue to believe in each other and ensure that all Canadians, regardless of gender, ethnicity or sexual orientation, have the opportunity to be the best person they can be.

**Hon. Nicole Eaton:** Honourable senators, this morning I had the honour to once again narrate the ceremony for the annual Governor General's Awards in Commemoration of the Persons Case. I will not go on, since Senator Hubley very kindly mentioned them all.

The remarkable women who are the recipients of this award serve as examples of selfless dedication to eliminating ceilings and borders for all females.

Today, 34 per cent of all senators are women; a quarter of all members of Parliament are women; and females make up nearly 60 per cent of college and university enrolment. Women are making huge strides at the top echelons of the corporate world. However, while there are reasons to be hopeful, women in Canada still have a long way to go.

Since the beginning of time, gender selection has always favoured male fetuses. This was as true in 19th century France as it is in today's Asia. The one-child policy in China has created an artificial gender imbalance with a ratio of 124 boys to every 100 girls.

*The Economist*, in a 2010 exposé, referred to "gendercide" as the worldwide war on baby girls, a war that has resulted in the "missing women" or "aborted female fetus" phenomenon not only in China, but in India as well.

Sadly, the assault on females does not discriminate by demography or geography. On average, every six days a woman in Canada is killed by her intimate partner. On any given day in Canada, more than 3,000 women are living in emergency shelters to escape domestic violence. Over 80 per cent of all victims of human trafficking are female.

• (1410)

Honourable senators, did you know that, according to the United Nations, there are a staggering 5,000 instances annually of women and girls being shot, stoned, burned, poisoned, buried alive, strangled, smothered or knifed to death by family members in the name of family honour? In Canada alone, 12 such barbaric honour killings occurred between 2002 and 2007.

Our government has taken steps to prevent violence against women — domestic, sexual, honour, random or exploitive — through legislative amendments and changes to *Discover Canada*, our citizenship guide.

[ Senator Hubley ]

Even with tough new measures on crime, the world as a whole and Canada, in our case, can still be a dangerous place for women of all ages. Some do not feel safe on the streets in their neighbourhoods; many do not even feel safe within their own families. However, I know that with continued political attention and public awareness campaigns, the safety and security of all women will continue to improve.

[Translation]

## PLAN CANADA

### "BECAUSE I AM A GIRL" CAMPAIGN

**Hon. Grant Mitchell:** Honourable senators, I am pleased to speak to you about Plan Canada's initiative, "Because I Am a Girl." This is a tremendous Canada-wide campaign that aims to put an end to discrimination against girls around the world.

The sad reality is that girls in the poorest areas of the world must overcome extraordinary obstacles to survive and grow, simply because of their gender.

In the poorest countries, 50 per cent of girls do not go to secondary school. Sixty-five million girls are denied a basic education. Girls are three times as likely to be malnourished as boys. Pregnancy is the leading cause of death for young women between the ages of 15 to 19 worldwide.

However, it has been proven that investing in the education of girls and young women is essential in alleviating poverty, not only for the girls themselves, but also for their communities, countries and the entire world.

The five-year campaign aims to engage one million Canadian girls and women as part of a movement to raise funds and to raise awareness of the plight of millions of girls in developing countries.

I congratulate the organizers of the campaign on their most recent success: an online petition urging Canada to take the lead and propose a United Nations resolution that will proclaim September 22 the International Day of the Girl.

An international day would create a foundation for advocacy to ensure that girls get the investment and recognition they deserve as citizens and as powerful agents of change. The United Nations General Assembly will examine Canada's proposal this fall.

I congratulate the "Because I Am a Girl" campaign organizers on their leadership, and I encourage Canadians to visit their website at: [www.becauseiamagirl.ca](http://www.becauseiamagirl.ca) to learn how to join the movement.

[English]

## ORDER OF NEWFOUNDLAND AND LABRADOR AWARDS

### CONGRATULATIONS TO 2011 RECIPIENTS

**Hon. Ethel Cochrane:** Honourable senators, I rise today to congratulate the nine remarkable individuals who were recently invested into the Order of Newfoundland and Labrador. This prestigious award is the highest honour of the province.



Last month, at a formal ceremony at Government House in St. John's, recipients were presented with medals by the Lieutenant Governor of Newfoundland and Labrador, John Crosbie.

This year's recipients included Melbourne Alton Best, Dr. Angus A. Bruneau, Sister Elizabeth Davis, Frances Elizabeth Ennis, Susan Green, Dr. Wayne Nesbit, Ches Penney, Lanier W. Phillips and Frances Vardy.

Mr. Crosbie, who also serves as Chancellor of the Order, said:

These outstanding individuals, through passion and dedication to the endeavours which each has pursued, have contributed immensely to the strong, proud and caring community which characterizes Newfoundland and Labrador today.

In exceptional circumstances, honorary membership into the Order of Newfoundland and Labrador can be offered to people who are not Canadian citizens. That was the case with Mr. Lanier Phillips, an American civil rights activist with a deep connection to the province. As a young American serviceman, he arrived in Newfoundland on a frigid night in February of 1942, when the *USS Truxton* and the *USS Pollux* became shipwrecked off the south coast of the island. More than 200 of his shipmates perished that night, and Mr. Phillips' life was forever changed as a result of his time in St. Lawrence.

As a young Black man from the segregated South, Mr. Phillips' life was shaped by racism. However, when he arrived in our province of Newfoundland, covered in oil and battered by the waves, he was met with something he had never known: kindness from another race.

When the oil was washed from his skin and locals could see that he was a Black man, he thought the good treatment would end. Not so. Instead, he was given a warm bed and hot food, and treated like family.

Honourable senators, that was the start of his incredible journey. He was inspired and empowered by the people of St. Lawrence, and when he returned home, he decided to stand up against racism. He went on to get an education, become the U.S. Navy's first Black sonar technician, and even marched with Martin Luther King Jr.

Honourable senators, I congratulate Mr. Phillips and all of those invested into the Order of Newfoundland and Labrador this year. Their contributions to the fields of philanthropy, art, science, education and human rights have enriched our province and indeed the world.

#### THE LATE HONOURABLE REG ALCOCK, P.C.

**Hon. Maria Chaput:** Honourable senators, I wish to pay tribute to a former colleague and a former Liberal cabinet minister, the Honourable Reg Alcock, who passed away in Winnipeg at the age of 63. Sad news for everyone.

I was appointed to the Senate in December 2002. Mr. Alcock was appointed Treasury Board President in 2003. I met him for the first time at the Manitoba Liberal Caucus, when he rushed in with his computer — big man, big voice and a big person in the truest sense of the phrase.

Mr. Alcock will be remembered as a champion of open government and government on line, and widely credited for putting information technology on the national agenda.

I agreed with Mr. Alcock's vision; that is, to manage government as a whole rather than having agencies and departments operating independently. I did get to know him over the years and discovered and appreciated a lovable, big, visionary man with a sound approach and a direct conversation.

To Reg Alcock's family, I wish to extend my deepest and most sincere sympathies. God be with you all.

[Translation]

## ROUTINE PROCEEDINGS

### COMMISSIONER OF OFFICIAL LANGUAGES

#### 2010-11 ANNUAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table, in both official languages, the 2010-11 Annual Report of the Commissioner of Official Languages, pursuant to section 66 of the Official Languages Act.

[English]

### ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

#### LABRADOR INUIT LAND CLAIMS AGREEMENT IMPLEMENTATION COORDINATING COMMITTEE—2009-10 ANNUAL REPORT TABLED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2009-10 Annual Report of the Labrador Inuit Land Claims Agreement Implementation Coordinating Committee.

• (1420)

[Translation]

## LABOUR

#### CANADIAN CENTRE FOR OCCUPATIONAL HEALTH AND SAFETY—2010-11 ANNUAL REPORT TABLED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, pursuant to the Canadian Centre for Occupational Health and Safety Act, I have the honour to table, in both official languages, two copies of the 2010-11 Annual Report of the Canadian Centre for Occupational Health and Safety.



[English]

## QUESTION PERIOD

### NATURAL RESOURCES

#### MACKENZIE VALLEY PIPELINE PROJECT

**Hon. Nick G. Sibbeston:** Honourable senators, my question is similar to the question I asked before the break. It relates to the Mackenzie Valley Pipeline. The Mackenzie Valley Pipeline would be a very big project, and it is important for the North and for all of Canada. In fact, the Aboriginal people in the North are supportive of the project and would have one third interest in it. The proposal has been dealt with in all the communities. A number of years ago the proponents of the pipeline went to the communities and met with the people, and there have been environmental hearings. Review boards have approved the pipeline and, more recently, the National Energy Board gave approval to the project, as has the cabinet.

What is now left is for the federal government to agree on some fiscal arrangement with the proponents so the pipeline can go ahead. Considering that in the last year the federal government made a fiscal arrangement on a hydro project in Labrador, it is believed that, perhaps, a similar arrangement could be made regarding the pipeline in the North.

I ask the Leader of the Government whether she would confer with her colleague in the same tone: Hurry up and make a decision with respect to the project.

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. The North has an excellent representative in Senator Sibbeston for promoting its interests.

As honourable senators know, the government is very committed to the North and to the development of the North.

As the honourable senator mentioned, the National Energy Board recently approved this project, and I have been made aware that meetings have taken place recently with key stakeholders and that more meetings are planned in the near future.

It is important to underscore that going ahead with this project is an extremely important business decision. Of course, this decision is made by private companies, and the government will continue to work diligently with the private sector to ensure this project moves forward in an efficient and timely manner.

### ENVIRONMENT

#### IMPACT ON EAST COAST OF GROUNDED SHIP

**Hon. Terry M. Mercer:** Honourable senators, the *MV Miner* is currently grounded off the coast of Cape Breton on Scatarie Island, as it has been since last month when it broke free while being towed to Turkey.

While we understand that oil and dirty water have been removed by officials, there is still a danger to the environment. As it is the federal government's responsibility to license and issue permits, what has it been doing to address the situation safely?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. The federal government did take appropriate action and removed diesel fuel and other threats to the environment. Transport Canada's responsibility is to ensure that Canada's waterways provide safe navigation and are free from ship-source pollution. Those responsibilities have been addressed and met.

It is now up to the provincial government, as it is a provincial matter, but we will continue to work with the province to determine that there is no polluting of the marine environment and that it is not a hazard to navigation, which, of course, as I mentioned, are responsibilities of Transport Canada.

**Senator Mercer:** That may very well be today, but the North Atlantic waits for no person. The North Atlantic is pounding away at this vessel as we speak and the vessel is coated with lead-based paint. It is very near a rich and important lobster fishery and other fisheries. While we understand the Coast Guard has been monitoring the coastline and is looking for any other problems, the ship is still grounded, and there have been a number of attempts to move it. We are told that it probably will not be able to be removed intact but may have to be dismantled to be removed.

The North Atlantic, as I said, will not wait for anyone. Fisheries and communities are at stake. We are concerned, and the federal government will have to take some responsibility to help fix this problem. As the problem goes on and as the North Atlantic pounds away at this vessel, the situation could worsen at any moment.

**Senator LeBreton:** I thank the honourable senator for the question. I wish to assure honourable senators that the federal government will work with the provincial government and, as I mentioned in my previous answer, will monitor the situation so that there are no pollutants endangering the environment and so that the ship itself is not a hazard to navigation. We will continue to work with the province to find a solution. I do recognize the perils of the North Atlantic and the season we are about to enter, and I will assure honourable senators that we will continue to work with provincial counterparts in monitoring the situation.

Again, I must point out that all diesel fuel and other toxic materials have been removed, which is the responsibility of Transport Canada. Thus far, they have assured us that the ship is not a hazard to navigation, and the government will continue to work with our provincial counterparts.

[Translation]

### OFFICIAL LANGUAGES

#### PROMOTING LINGUISTIC DUALITY

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. In 2005, the Parliament of Canada



amended Part VII of the Official Languages Act, thereby making it mandatory for all federal institutions to promote English and French.

At that time, the Clerk of the Privy Council wrote to the chief executives of those institutions, calling on them to familiarize themselves with their new obligations under Part VII and to ensure compliance.

That was over five years ago. According to the report of the Commissioner of Official Languages tabled today, several federal institutions assessed in 2010 and 2011 showed a very poor understanding of their obligations under Part VII.

Indeed, too many institutions still believe that that part of the act does not apply to them. Madam Leader, governing the country requires initiative.

• (1430)

In order to govern, you must demonstrate leadership. Above all, you must set an example. The government must clearly affirm the importance it places on this part of the Act and the resulting obligations.

According to the report of the Commissioner of Official Languages, it is obvious that the government is not exercising the leadership required to implement Part VII of the act. Can the Leader of the Government in the Senate perhaps tell us why this is the case?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** I disagree with the premise of the honourable senator's question. We have taken great steps as a government in implementing Part VII. We, of course, thank the Commissioner of Official Languages for his report, which was made public today.

As I have stated many times before, the government strongly supports the linguistic duality of our country, and we have delivered on that commitment and support. Under this government we have already taken steps, as I mentioned, to improve the implementation of Part VII of the act. We have increased the number of institutions that report on their official language obligations from 30 to 200. To use the commissioner's own words, "definite progress is being made" in many government departments.

I think there is still work to do, honourable senators, but it is quite incorrect to state that we have not made great strides in this area.

[Translation]

**Senator Tardif:** The government has not undertaken any major initiatives. Nor has it brought forward an action plan for all federal institutions that would help them fully understand the importance of the implementation of Part VII of the act. Many of the institutions have still not introduced positive measures to foster the development of official language communities and promote Canada's linguistic duality. There are discrepancies between some of the federal departments and institutions.

Will the government again undertake to establish an action plan and to coordinate implementation of the Commissioner's recommendation, that Treasury Board should have the power and authority needed to move forward with the implementation of Part VII of the act?

[English]

**Senator LeBreton:** Honourable senators, the government has a solid record of fostering a good plan to implement Part VII. As I stated in my first answer, to improve from 30 institutions to 200 shows that this is working, although there are still improvements to be made.

I have not had a chance to read the Official Language Commissioner's report in depth, so I will simply take as notice the suggestion with regard to the role that Treasury Board may play.

[Translation]

**Hon. Maria Chaput:** The Leader of the Government in the Senate said that her government is showing leadership and I agree. She said, however, that an increased number of federal institutions now have to report on how they are meeting their obligations under Part VII of the Official Languages Act.

Is it fair to say that leadership has to go further than simply obliging the institutions to report on their activities? Should leadership not also involve looking at the progress that has been made and if it is not acceptable, turning to the institutions concerned and asking them what they plan to do to correct the situation?

My question is the following: will the government do more than just ask for reports? Will it also require these institutions to take action to correct any deficiencies?

[English]

**Senator LeBreton:** Honourable senators, again I repeat what the Commissioner of Official Languages said when he acknowledged that there has been definite progress. Senator Tardif asked about the *Roadmap for Canada's Linguistic Duality*. As I have stated in this place many times, we strongly support the linguistic duality of our country. We have delivered. We are providing unprecedented support in the *Roadmap for Canada's Linguistic Duality*. We are only in year three of a five-year commitment, yet 71 per cent of the commitments our government made in the road map plan have been confirmed and funded.

Honourable senators, the government has shown by its actions great resolve and commitment to promoting our linguistic duality. We have the record to prove it. It is a given that the government turned to those departments that have not lived up to the requirements of Part VII of the act to ascertain what the problem has been and why these commitments have not been met. Like any good government, we will seek a solution.

[Translation]

**Senator Chaput:** Part VII of the Official Languages Act talks about positive measures. A few years ago, it became apparent that the federal institutions lacked an understanding of what



constituted a positive measure. One department then prepared a guide. That guide was to be distributed to the institutions to help them understand what a positive measure is for supporting the development of the official language communities.

We do not hear much about that guide any more. Federal institutions that do not always meet their obligations will often say that they do not understand or do not know what this means. In my opinion, that kind of excuse is no longer valid. A guide was prepared and handed out. Those institutions should use it.

Why are the offending institutions still not meeting their obligations under Part VII of the Official Languages Act? Could the Leader of the Government in the Senate give us those reasons and describe the corrective measures these institutions plan to take?

[English]

**Senator LeBreton:** Honourable senators, departments should be following the guide, and there is no excuse for not doing so. As I stated in my earlier answer and as the Official Languages Commissioner said, we are making great progress, having improved from 30 institutions to 200. However, that does not excuse those departments that have not implemented Part VII of the Act. The honourable senator is absolutely right that they should be instructed to follow the guide. That is the law of the land.

Honourable senators, by way of delayed answer, I will seek to provide further information as to the actual situation and what is planned as follow-up.

## PUBLIC SAFETY

### IMPACT OF PUBLIC SAFETY LEGISLATION

**Hon. Grant Mitchell:** Honourable senators, Republican, right-wing, hard-nosed Texas, which put the "tough" in "tough on crime," has decided in the last number of years to throw out exactly the same kind of crime agenda that this government is bringing in today. They are astonished that we are doing it. I have a quote from Republican Representative Jerry Madden, chair of the Committee on Corrections of the Texas legislature. I do not think it gets tougher on "tough on crime" than this particular representative. With respect to spending money on prisons and not spending money on drug programs, Madden said: "It was kinda silly, what we were doing." Then he discovered that drug treatment was not just cheaper than prisons — it cut crime much more effectively than prison.

• (1440)

Could the Leader of the Government tell us what evidence the government has to justify spending billions of dollars on a crime agenda that even the hardest of the hard-on-crime people think is silly?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I never thought I would see the day that Senator Mitchell would be standing up and quoting as gospel a Texas Republican.

[ Senator Chaput ]

In any event, the honourable senator should know that obviously this gentleman is misinformed about the situation in Canada. The incarceration rate in Texas is proportionally five times higher than Canada.

Bill C-10 includes specific exemptions for drug treatment courts, which are already operating across Canada. Our government believes in a balanced approach that specifically targets criminal enterprise while providing treatment options for those who are addicted to drugs. Honourable senators will know that we are targeting those who sell drugs to children and profit from these sales. We are also targeting programs of assistance to those who, unfortunately, have become addicted to drugs. We will continue to put the rights of victims and law-abiding citizens first, not those of criminals.

**Senator Mitchell:** I guess their interest would be to lower the crime rate, not to increase the crime rate.

Here is another quotation. This is a good one, from a forensic psychologist in Texas, who said:

We can't ignore the fact that our 'tough on crime' stance that puts a person in prison and assumes that their drug problem will somehow magically disappear while they're incarcerated and they'll never get out again and offend, is ridiculous.

It is not just silly, now it is ridiculous.

Could the Leader of the Government tell us how putting more Canadians in prison — Canadians who have drug rehabilitation issues and problems — will work to reduce crime in Canada when it clearly has not worked to reduce crime in Texas?

**Senator LeBreton:** It is interesting that the honourable senator would use that quotation. As I pointed out a moment ago, there is no comparison because the incarceration rate in Texas is proportionally five times higher than in Canada. We are attempting to put in place a system that focuses on victims of crimes rather than on criminals.

Since the honourable senator is so clearly infatuated with what Texas has done, I will read into the record what our government has done. Our government has doubled the budget of the National Crime Prevention Centre and emphasized programs to help youth at risk. We have created the Youth Gang Prevention Fund and increased its funding. We have established the National Anti-Drug Strategy and enhanced the Youth Justice Fund to help support the drug treatment action plan. We provided funding to support transitional housing for clients of the drug treatment court in Toronto, as part of the National Anti-Drug Strategy. We have supported restorative justice through the Aboriginal Justice Strategy, which seeks to divert young or first-time offenders into local restorative programs in Aboriginal communities and which commits about \$85 million toward Aboriginal community programs. While restorative justice approaches complement other criminal justice systems that respond to criminal behaviour, they are not intended to replace them.

The honourable senator always talks about the criminals and not the victims — who, by the way, bear the brunt of the cost of crime in this country — and overlooks completely the significant programs that the government has embarked upon to help people, especially with regard to crime prevention and drug addiction.



**Senator Mitchell:** If these programs are so good, maybe the government should let them take their intended course and forgo building prisons that will only make matters worse.

I have an interesting quotation from a judge in the drug court in Dallas, Texas. This court probably deals with drug addiction and drug criminals. When asked what was wrong with the Harper government's plan to get criminals off Canadian streets, he said, "Nothing, if you don't mind spending a lot of money locking people up and seeing your crime rate go up! Nothing wrong with it at all!"

In light of the new predictions by the Minister of Finance and the Prime Minister that we are going into another recession and are going to be confronting reduced government revenues, facing still a \$30 billion- or \$40 billion-deficit — a record deficit historically — I wonder if the government is starting to reconsider that perhaps they should save the money on that prison initiative, the crime agenda, and put it into something that would reduce crime at a lower cost and reduce the deficit?

**Senator LeBreton:** Honourable senators, I do not want to cause an international incident here, but I would say, again, that the person the honourable senator is quoting is completely misinformed about the situation in Canada.

Obviously, Senator Mitchell did not hear my plea on behalf of victims, who bear the biggest cost in this country of —

**Senator Mitchell:** You're not doing anything for victims!

**Senator LeBreton:** We are, absolutely. I have cited some of the programs for young people who are caught up in the drug trade.

It is rather amusing that Senator Mitchell would quote this gentleman from Texas. I would dare say that, like a lot of people, not only those of our great friend and neighbour to the South but also many people in this country, including the honourable senator, are totally misinformed about what the government is doing.

**Hon. Terry M. Mercer:** Honourable senators, let us put this in context. This is Texas we are talking about. This is the state of which former President George W. Bush was the governor. This is a state where people pride themselves on being able to carry guns wherever they want. This is a state that prides itself on being tough on crime, on being the toughest place in America on crime. What did they find at the end of this great experiment that they have been on with the right-wing Republicans? They found out that what they thought was fixing the problem was actually perpetuating the problem.

The issue is: No one is against being tough on crime, but we have to be smart on crime. To be smart on crime, we have to figure things out. Someone else has made a whole bunch of mistakes that we, ourselves, may be ready to make if we continue along the path that the government has put before us.

It is important to know that one of the first things people do while they are in prison is to learn to be better criminals. When they get out, they perpetuate more crime and create more victims

of crime. That is why the crime rate and the incarceration rate are so high in Texas, because they forgot about treatment of the cause, not the result.

**Senator LeBreton:** The honourable senator keeps talking about building all these prisons. The record clearly shows that we are not running around building a whole lot of prisons. In the last Parliament, we had Senator Fraser worrying about prisoners having to double up. One of the improvements to prisons is that dangerous criminals be incarcerated by themselves, not with someone else. We also have the problem of some of our prisons in this country being completely outdated, and they need to be updated and modernized.

Honourable senators, our approach is two-pronged. It will incarcerate people who should be incarcerated for serious crimes. It also builds in respect for victims, who, as I pointed out earlier, are the people who bear the brunt of the cost of crime. At the same time, we are working diligently and providing significant funds for retraining and rehabilitation, and working extremely hard on providing help to young people who have fallen victim to drug traffickers and become addicted to drugs. The government is making significant efforts to assist young people who are caught up in the drug trade and whose lives have unfortunately spiralled down as a result of it.

• (1450)

There is absolutely no comparison with Texas. Any reasonable person who watches television for even a couple of hours a night knows what happens in Texas and what happens in Canada. It would be laughable to ever suggest that our system was in any way similar to the Texas system, in the past, in the present or in the future.

**Hon. Roméo Antonius Dallaire:** Honourable senators, I find it most imaginative to use the term "two-pronged." Recently I was lecturing at the University of Texas at Austin, where the Longhorns are. Their symbol is two-pronged, so maybe the concept is coming from the South.

[Translation]

## VETERANS AFFAIRS

### BUDGET CUTBACKS

**Hon. Roméo Antonius Dallaire:** Madam Leader, in another life I was an assistant deputy minister and we were always afraid of Friday afternoons, because there was always a panic. There was always a crisis on Friday afternoons. We often wondered where these crises came from and who created them. The more time I spend on the Hill, the more I realize that they start here, with the government on Parliament Hill.

For example, on Friday afternoon it was announced that the Veterans Affairs budget would be cut by \$226 million over two years. It was Friday afternoon and there was no one, or practically no one, there to respond.



Is this \$226 million — which, over two years, represents approximately 5 per cent of the Veterans Affairs budget — part of the 5 per cent budget cuts from last year and in anticipation of the 5 per cent cuts next year? Or is this something completely different?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** The honourable senator should not base his questions on unfounded information. The fact is that the government has been committed for some time to increasing its support of those who defended this country. There will be no cuts to benefits for our veterans; anyone who suggests that is clearly wrong. We face the sad reality that a number of our veterans have passed away, but there will be no cuts to our benefits for veterans. Anyone who says that does a disservice not only to our veterans, but also to the country as a whole.

[Translation]

#### DELAYED ANSWER TO ORAL QUESTION

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table a delayed answer to an oral question raised by Senator Chaput on June 15, 2011, concerning financial support for cultural enterprises.

#### INDUSTRY

##### ARTS AND CULTURE

*(Response to question raised by Hon. Maria Chaput on June 15, 2011)*

Industry Canada recognizes the importance of small businesses and entrepreneurs as the backbone of our economy and a major source of job creation across the country.

Industry Canada has a number of supports in place to help small businesses in all industries, including those in the arts and cultural industries, to access the financing they need to start-up and expand their businesses.

The Canada Small Business Financing Program (CSBFP) is an important part of Industry Canada's support for small business. Each year, it helps thousands of for-profit SMEs to access asset-based debt financing to start-up and expand their business, enhance their productivity and innovate. In the past five years (2006-2011) over 1000 CSBFP loans worth more than \$136 million have been made to small businesses and entrepreneurs in the arts, entertainment and recreation, and information and cultural industries.

The Business Development Bank of Canada (BDC) is a Crown corporation accountable to Parliament through the Minister of Industry. It has a public policy mandate and a requirement to operate in a financially sustainable manner. The BDC provides financing, venture capital, and consulting services to SMEs and plays a key role in creating the right conditions for entrepreneurs to develop their businesses. As of July 2011, the BDC had \$2 billion in

commitments in its tourism portfolio, which comprises performing arts and spectator sports; heritage institutions; amusement and recreation services; accommodation services; and food services.

As part of Canada's Economic Action Plan, Industry Canada has also provided the Canadian Youth Business Foundation (CYBF) with \$20 million in funding over two years (2009 and 2010) to give young entrepreneurs access to business loans and mentoring services to help them start up and operate new businesses. During its 2009/2010 fiscal year, about 1 percent of CBYF loans advanced were to small businesses in the hospitality and tourism industry.

Industry Canada also coordinates the Canada Business Network (CBN) which provides entrepreneurs with fast and easy access to a comprehensive directory of information on the private sector and federal, provincial and municipal government services, business information guides, programs and regulations, including assistance to cultural enterprises seeking financing.

In addition to Industry Canada's financing support available to enterprises in all industries, the Department of Canadian Heritage has a number of funding support programs targeted directly to enterprises in the arts and culture sector.

[English]

#### ORDERS OF THE DAY

##### RAILWAY SAFETY ACT CANADA TRANSPORTATION ACT

##### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Nicole Eaton** moved second reading of Bill S-4, An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act.

She said:

Oh the song of the future has been sung  
All the battles have been won  
O'er the mountain tops we stand  
All the world at our command  
We have opened up the soil  
With our teardrops and our toil  
For there was a time in this fair land when the railroad  
did not run.

Honourable senators, I cannot sing Gordon Lightfoot's song, but that was an excerpt from his *Canadian Railroad Trilogy* dedicated to the building of the Canadian Pacific Railway. The song celebrates the optimism of Canada's great railroad age and



chronicles the pain and sacrifice of those who built an iron ribbon across this great land of ours — a ribbon that many historians believe helped to bring about Canadian Confederation.

Close to 150 years later, I rise in support of Bill S-4, the safer railways act, that amends and strengthens the Railway Safety Act of 2001. The bill furthers the government's agenda of ensuring a safe, reliable and economically viable freight and passenger railway system.

Let me review the fundamental principles on which the regulation of railway safety in Canada is based: to promote and provide for the safety of the public and railway personnel and the protection of property and the environment in the operation of railways; to encourage the collaboration and participation of interested parties in improving railway safety, i.e., industry in the surrounding area; to recognize the responsibility of railway companies in ensuring the safety of their operations; and to facilitate a modern, flexible and efficient regulatory scheme that will ensure the continuing enhancement of railway safety.

The 1999 amendments to the Railway Safety Act achieved these objectives. They provided for the safety of both public and railway personnel. They addressed protection of property and the environment in the operation of railways, and they granted the regulator with the authority to require railway companies to implement safety management systems. Honourable senators, the Railway Safety Act gave direct jurisdiction over safety matters to the Minister of Transport. It is to be administered by Transport Canada, where responsibility for other federally regulated modes of transportation, such as marine and aviation, resides.

In Budget 2009, the government affirmed its commitment to a safe, reliable transportation system by earmarking \$71 million over five years to implement important rail safety measures and legislative initiatives. Bill S-4, the safer railways act that I speak to today, is the fruit of that commitment. The amendments proposed in Bill S-4 will increase the public safety of Canadians, enhance the safety of our communities, and contribute to a stronger economy, a modern infrastructure, and a cleaner environment.

[Translation]

A safer rail system will have immediate and long-term economic benefits for the industry, since the likelihood of costly delays and accidents will be reduced. It will also benefit external stakeholders, such as provinces, municipalities, shippers and travellers.

Before going into greater detail on this bill, I would like to highlight how important rail transportation is in our country. Canada's railways are extremely important to our national economy and they are the most energy efficient means of transporting goods in an interdependent transportation system.

[English]

Our rail system includes approximately 73,000 kilometres of track, stretching from coast to coast, and 3,000 locomotives. It handles more than 4 million carloads of cargo every year. In 2009,

Canadian railways ran more than 700 trains per day, moving approximately 72 million passengers and 66 per cent of all surface freight in the country. As Canadians, we should feel proud of our railway system.

Canada has a regulatory regime for rail safety that is envied by many other countries. Australia, South Africa, France and the U.S.A. consult with Transport Canada on its regulatory framework. That is why Bill S-4 is so important. It will further enhance Canada's regulatory regime that already serves as an example and model for others.

However, while Canada's rail system is one of the safest in the world, railways are not without risk, and increased rail traffic means increased chances for rail accidents, which disrupt freight, commuter and passenger services and result in lost revenues, increased public costs and reduced productivity for customers. According to the Transportation Safety Board, there were 1,038 rail accidents in 2009, including 68 main track derailments, which have the greatest potential for severe consequences.

• (1500)

When I say "accidents," this can mean anything from a tiny spill in a side yard to a multi-car passenger train derailment with injuries. In fact, it was the severity of the accidents in 2005 and 2006 at Lake Wabamun, Alberta, Lillooet and Cheakamus, British Columbia, and Montmagny, Quebec, that provided the impetus, in part, for the Minister of Transport to launch a full review of the Railway Safety Act in 2007.

A panel was appointed with the objective of identifying possible gaps in the act and making recommendations to further strengthen the regulatory regime. Consultations were extensive. Stakeholders such as unions, organizations, associations and individuals presented their views. The panel's final report, *Stronger Ties: A Shared Commitment to Railway Safety*, was tabled in Parliament by the Minister of Transport in March 2008. In their report, the panellists noted that although the Railway Safety Act and its principles are fundamentally sound, more work is needed and a number of legislative improvements are required. The report contained 56 recommendations to improve rail safety in Canada.

The Standing Committee on Transport, Infrastructure and Communities also conducted extensive stakeholder consultations. It accepted the panel's 56 recommendations and tabled its own report in May 2008 with an additional 14 recommendations, many of which are now incorporated into those of the Railway Safety Act review.

Transport Canada agrees with the recommendations of both reviews and has taken steps to address them through a variety of government-industry-union initiatives.

Legislative amendments to the Railway Safety Act address the key recommendations and enable many new safety initiatives. One of these safety measures is Operation Lifesaver. Sponsored by Transport Canada and the Railway Association of Canada, Operation Lifesaver is a national program designed to raise public awareness of the potential hazards of railway crossings and the dangers associated with trespassing on railway property. Operation Lifesaver works in close cooperation with a wide range



of stakeholders including government, provincial safety councils, police, unions, railways, the trucking industry, community groups and schools.

In keeping with the recommendations of the Railway Safety Act review and the Standing Committee on Transport, Infrastructure and Communities study, the amendments will strengthen Transport Canada's oversight capacity. They will give the Governor-in-Council the authority to require railway companies to apply for and receive a safety-based railway operating certificate. The certificate will demonstrate that they comply with baseline safety requirements before they begin operations.

The requirement for a railway operating certificate will apply to all railways under federal jurisdiction. Existing companies will have a period of two years from the coming into force of the amendments to meet the requirements for their certificates. The amendments will strengthen Transport Canada's enforcement capacity through the introduction of administrative monetary penalties as an additional enforcement tool to improve rail safety. Maximum levels for administrative monetary penalties would be \$50,000 for an individual and \$250,000 for a corporation.

The amendments will also strengthen Transport Canada's enforcement powers by increasing judicial fines to levels consistent with other modes of transportation, such as aviation and marine. Maximum fines for convictions on indictment for a contravention of the act would be \$1 million for corporations and \$50,000 for an individual. Maximum fines on summary conviction for contravention of the act would be \$500,000 for corporations and \$25,000 for an individual for each day of non-compliance.

[Translation]

The Railway Safety Management System Regulations were designed in 2001 to be a more detailed way to manage safety. They complement the existing regulatory framework and ensure that railways are responsible for the safety of their operations, and, in particular, that they identify dangers, evaluate and mitigate risks, and integrate safety into their daily operations.

[English]

The legislative amendments we are introducing today will further improve rail safety by reflecting the central importance of safety management systems. A safety management system is a formal framework for integrating safety into day-to-day railway operations and includes safety goals and performance targets, risk assessments, responsibilities and authorities, rules and procedures, monitoring and evaluation processes.

Also included in this bill are amendments to clarify the authority and responsibilities of the minister in respect of railway matters. For example, the amendments will clarify that the act applies in respect of all railway matters within the legislative authority of Parliament. This will ensure that all companies operating on federal tracks are subject to the same high level of safety requirements. The amendments will also clarify that railway safety inspectors exercise their powers under the authority of the minister and that the minister may enter into

agreements with the provinces on matters relating to railway safety, railway security and the protection of the environment across provincial and federal boundaries.

Regulation-making authorities under the act will be expanded to allow a requirement for railway companies to submit environmental management plans for federal review, information collection and railway equipment labelling related to emissions. This amendment, plus an additional one that provides regulatory authority to control and prevent fires on railway rights-of-way, support government priorities for environmental conservation and provides additional safeguards to protect our natural heritage from potential harm.

In conclusion, I remind honourable senators that with this legislation we are going to strengthen the national rail system that is so vital to our economy. By reducing the risk of accidents, we will enhance the competitiveness of our railways, increase the public safety of Canadians and add an additional layer of protection for our natural environment.

We believe these proposed amendments are essential and timely. They respond directly to the recommendations of two important studies on rail safety that involved a high level of participation from all key stakeholders in the rail sector.

I encourage all honourable senators to vote for Bill S-4, which will modernize the Railway Safety Act to reflect the requirements of a growing and increasingly complex rail industry. These are changes all Canadians can agree upon.

With your vote we can continue to build on the dream of those who first had such a great vision of our country.

For they looked in the future and what did they see  
They saw an iron road runnin' from sea to the sea  
Bringin' the goods to a young growin' land  
All up through the seaports and into their hands

**Hon. Tommy Banks:** Honourable senators, the provisions of this act, as they appear in the bill, seem very good. However, most of us are unaware of the distinction between a railway that is referred to in this act, that is to say, a railway that falls within the legislative authority of Parliament, and other railways that are referred to in the bill as local railways, that do not. At some point could the honourable senator provide a list of railways in Canada that fall under the legislative authority of Parliament?

**Senator Eaton:** It would be my pleasure to do so. I think the honourable senator understands that some railways run on federal tracks while others run on provincial tracks. Under this bill, any railway that runs on federal tracks, even for a short distance, would be required to obtain a railway operating certificate. A provincial or local railway is very much under the jurisdiction of the province except when it runs on federally owned tracks.

**Senator Banks:** Most of us know that the Canadian National Railway and the Canadian Pacific Railway, and other railways that they own, fall within federal jurisdiction and require an operating permit as described. I am wondering whether there are any railways in Canada other than Canadian National and Canadian Pacific that fall under that jurisdiction.

[ Senator Eaton ]



• (1510)

I am not talking about railways that are guest railways on host track. I am talking about railway companies that would require this.

The second part my question is this: In the act that this bill seeks to amend, and other acts that regulate railways, much of the administrative, adjudicative responsibility is sent by the minister to the Canadian Transportation Agency. The minister does not operate directly. Can the honourable senator tell us whether, under the bill of amendment, the minister will be making these decisions directly?

**Senator Eaton:** It is my understanding that they are ultimately responsible, but if the honourable senator would like me to get a list of railways that run on federal land, it would be my pleasure to do so.

(On motion of Senator Mercer, debate adjourned.)

## LIBYA

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carignan calling the attention of the Senate to the deplorable use of violence by the Libyan regime against the Libyan people as well as the actions the Canadian Government is undertaking alongside our allies, partners and the United Nations, in order to promote and support United Nations Security Council Resolution 1973.

**Hon. Doug Finley:** Honourable senators, I rise today to discuss what Canada has done and is doing to help the new democracy flourish in the Middle East. I begin with a quote attributed to the Irish-born Whig politician Edmund Burke, but actually never found in any of his writings:

It is necessary only for the good man to do nothing for evil to triumph.

This country is doing something. Canada is enabling peace, stability, freedom and economic recovery for the Libyan people. Today, I will describe the role that Canada has played, précis the atrocities of the Gadhafi regime, and applaud the international efforts to help Libyans reconstruct their country. Once again, a statement by Prime Minister Harper rings true:

Canada is a courageous warrior, a compassionate neighbour, a confident partner.

Since Confederation, and certainly through most of the 20th century, Canada has been a major player on the world stage. Canadian soldiers were the “shock troops” against the Germans in World War I, winning decisive, devastating victories at battlegrounds such as Vimy Ridge and Hill 70. Canada was the only country to fully achieve all of its objectives on time, on D-Day, which was so pivotal in World War II.

Canada engaged in defending freedom in Korea, prevented the eruption of a major war during the Suez crisis, and played a key role in NATO during the Cold War. Under the leadership of Brian Mulroney, this great nation helped to end apartheid in South Africa.

Regrettably, commencing in the 1990s, Canada surrendered its role as an active leader in the world. We seemed content to go with the flow at the UN and settled for currying favour and approbation from abusive dictators and despots, rather than taking a principled, forceful, Canadian stand for human rights.

Robert Greenhill, former President and COO of Bombardier International, and the former President of CIDA wrote:

The overriding theme from 1989 to 2004 is one of decline, decline in our reputation and relevance with the United States, decline in our leadership role in development, and decline in the international significance of our peacekeeping and other international security activities.

Prime Minister Harper has significantly reversed that decline. It started in 2006 with the rebuilding of the Canadian military — reprovisioning troops with long-overdue, mandate-fulfilling equipment. This government has unashamedly represented Canadian values at international summits, such as La Francophonie in 2006, and the G8 Summit in 2011. It also boycotted the anti-Semitic Durban conferences.

Mission-extending, bi-partisan efforts have allowed Canada to be prominently instrumental in the reconstruction of Afghanistan. By example, thanks to its proven economic management, Canada has greatly facilitated the will and direction of G8 and G20 nations to engineer and plan solutions to the global economy, fragile as it may yet be.

Very recently, in the other place, British Prime Minister David Cameron paid eloquent tribute to Canada's leadership, stating:

While some countries do little and talk a lot, Canada is self-effacing and self-sacrificing in its contribution to the fight for a better world.

Without the efforts and sacrifices of the Canadian Forces, particularly the Royal Canadian Air Force and the Royal Canadian Navy, Canada would not have been in a position to assist the Libyan people to overthrow Moammar Gadhafi. Their contribution to creating a free, democratic and prosperous Libya will not soon be forgotten. The efforts of our brave troops during Operation Unified Protector have clearly and globally demonstrated that Canada indeed is a courageous warrior, a compassionate neighbour and a confident partner once again.

It is with tremendous pride that we recognize that a Canadian led this NATO mission. We applaud and salute Lieutenant-General Charles Bouchard. His leadership was undoubtedly instrumental in the success of Operation Unified Protector.

As of 05:30 GMT today, CF18 Hornets have flown 938 sorties over Libya. In total, the Royal Canadian Air Force executed over 1,500 sorties during the mission. After the United States



pulled their air force out, the job was left to Canada, the United Kingdom and France. The *National Post* quoted an unnamed NATO official in August, who stated:

The burden of the strike sorties fell on the shoulders of, predominantly, the Canadians, the British and the French. I must say that Canada, in particular, being the smallest of the three air forces, once again punched well above its weight.

Our CF-18 Hornets valiantly protected the Libyan people by enforcing the no-fly zone and striking Gadhafi's forces, which were tasked with slaughtering innocent civilians. These efforts enabled the Libyan people to overthrow this ruthless dictator.

The world has a long and painful history with Moammar Gadhafi. He energetically sponsored global terrorist organizations, facilitated and funded terrorist training camps in Libya and conducted targeted assassinations of critics of his regime on foreign soil. In 1986, the United States bombed Tripoli and Benghazi in response to the bombing of a Berlin nightclub that injured 79 American military personnel. Likely the most compelling incident in our memories is from 1988, when a passenger airplane was blown up over the town of Lockerbie, Scotland, just a few miles south of where I grew up. In fact, a girl I went to high school with was a victim that day, crushed by flaming debris raining from the sky. John Ivison, a journalist with the *National Post*, was born and raised close by. I will quote from his article from February, at the start of the uprising against Gadhafi.

• (1520)

Two hundred and seventy people were murdered, including two Canadians and 11 on the ground in Lockerbie. My late father, the director of the local water utility, drove through the still-smouldering town the next morning and watched young soldiers pick body parts off the street. I went home in 1998 for the 10th anniversary of the disaster and found many people still fighting demons. Bill Parr, a man who had worked with my father but who was afflicted by nightmares for years afterward, told me how he'd found three seats in which two young girls and a man were wrapped around one another. The girls had their eyes wide open and their fingers were tightly crossed. What did we expect from someone capable of that kind atrocity?

The last line of that paragraph is one that sticks with me the most: "What did we expect from someone capable of that kind of atrocity?"

Yet, in the late 1990s and the early 2000s, when Gadhafi was paying compensation and abandoning weapons of mass destruction to stay in power, governments were all too willing to forget his horrific past — including, apparently, the Canadian government of the day.

The people who would never forget the atrocities of the Gadhafi regime were the Libyans themselves. They were forced to endure 42 years under the rule of a mass-murdering madman. The body count of the people in Libya, victims of the Gadhafi regime, will never be accurately or even substantially known, but we can be certain that it numbers in the tens of thousands at the

very least. Surely Moammar Gadhafi was delusional when he initially blamed hallucinogenic drugs and alcohol as a reason why people were rebelling.

What Gadhafi and other like-minded despots cannot comprehend is that the desire for freedom is much stronger than any drug. After suffering through these 42 years of tyrannical rule by one man, the Libyan people wanted to be free of him and his imperious regime. Typically, he endeavoured to stifle freedom of speech in an attempt to curb this uprising.

The words of Sir Winston Churchill on dictators remain true:

You see these dictators on their pedestals, surrounded by the bayonets of their soldiers and the truncheons of their police. On all sides they are guarded by masses of armed men, cannons, aeroplanes, fortifications, and the like — they boast and vaunt themselves before the world, yet in their hearts there is unspoken fear. They are afraid of words and thoughts; words spoken abroad, thoughts stirring at home — all the more powerful because forbidden — terrify them. A little mouse of thought appears in the room, and even the mightiest potentates are thrown into panic. They make frantic efforts to bar our thoughts and words; they are afraid of the workings of the human mind. Cannons, airplanes, they can manufacture in large quantities; but how are they to quell the natural promptings of human nature, which after all these centuries of trial and progress has inherited a whole armoury of potent and indestructible knowledge?

Across Libya, the people are discovering the lavish living of a tyrant and his family; absurdly wealthy hoardings which squandered away the future of the Libyan people. Prison holding cells and interrogation rooms are being discovered empty, but which demonstrate resounding signs of having been well used.

Scattered, abandoned government documents reveal the truths of this regime — horrific facts so well hidden from the Libyans for decades. The appalling aftermath of this conflict has yet to be fully realized as more bodies of political dissenters and other innocent people are being discovered.

I know that we all hope that Gadhafi is captured and brought to justice soon.

It is too bad that Senator Mercer is not here because I am about to quote one of his favourite Texans.

The Libyan people have overthrown Gadhafi and are looking to build a brighter future. One hopes that one of the legacies of the Libyan mission is reflected in a statement from President George W. Bush in 2004.

Sixty years of Western nations excusing and accommodating the lack of freedom in the Middle East did nothing to make us safe — because in the long run, stability cannot be purchased at the expense of liberty. As long as the Middle East remains a place where freedom does not flourish, it will remain a place of stagnation, resentment and violence ready for export.



Whether in Syria, Iran, or elsewhere, we cannot turn a blind eye to tyrants who prevent their people from being free in order to have stability. We have a responsibility to the Libyan people to help ensure that freedom and democracy does flourish in Libya — for their sake and for our own.

Canada's government is committed to doing its part to help the Libyan people start building for their future — a future free of tyranny and oppression. The Prime Minister has repeatedly stated that Canada stands ready to support the new Libyan government.

Last month Canada reopened its diplomatic mission in Libya, and we are now on the ground in Tripoli ready to assess the situation and to help.

There is much work to be done to help the Libyan people.

May I have an extra few minutes?

**Senator Tardif:** Five minutes.

**The Hon. the Speaker:** Is it agreed?

**Hon. Senators:** Agreed.

**Senator Finley:** Thank you.

There is much work to be done to help the Libyan people. We have lifted economic sanctions that were placed on the Gadhafi regime and we have secured the unfreezing of some \$2.2 billion worth of Libyan assets for humanitarian relief. This will go a long way towards getting medicine and other vital supplies on the ground.

Last week, Minister Baird pledged \$10 million to help Libya track down Gadhafi's hidden weapon cache, aiding the National Transitional Council to track down the 23,000 shoulder-to-air missiles that have ominously gone missing.

Minister Baird brought Canadian business leaders to Tripoli. This will assist in maximizing the stabilization and growth of the Libyan economy. Canada is internationally partnering to assist Libya as it transitions from the Gadhafi regime to a new, stable democracy. This will take time, but Canada has a responsibility, as a world leader, to see this done.

Honourable senators, Canada should be proud of its efforts in assisting the Libyan people. We most certainly punched above our weight. Canada must continue to play an important role in the world. We do that by taking a stand for Canadian principles, like freedom, freedom of speech, human rights and the rule of law, not by trying to court the support of tyrants.

Typically, we must do this by helping protect the people of Libya from being slaughtered by their oppressive regime, not by standing on the sidelines. We do this by providing the Canadian military with the equipment they need, not by returning to a "decade of darkness" mentality.

Our brave Canadian Forces are doing a fantastic job in Libya. Their work has abetted Libyans to overthrow an atrocious regime, and allowed their new government to work toward a new era of freedom and democracy.

Canada is committed to ensuring that we do the maximum to help Libya in this new era. The Libyan government has committed to freedom, democracy, human rights and the rule of law.

Honourable senators, I would like to close as I opened, with a quotation; this from the legendary American novelist Pearl S. Buck:

When good people cease their vigilance and struggle, then evil men prevail.

(On motion of Senator Wallin, debate adjourned.)

• (1530)

[Translation]

## STUDY ON APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

### SECOND REPORT OF OFFICIAL LANGUAGES COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the second report (interim) of the Standing Senate Committee on Official Languages entitled *The Vitality of Quebec's English-speaking Communities: From Myth to Reality*.

**Hon. Maria Chaput:** Honourable senators, I move:

That the report be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Canadian Heritage and Official Languages being identified as the minister responsible for responding to the report.

Honourable senators, a report on Quebec's English-speaking communities was tabled in the third session of the 40th Parliament. The report was adopted by the Senate, which requested a complete and detailed response from the government.

With the dissolution of Parliament, the government was no longer required to provide a response. The committee again studied the report and adopted it after making minor amendments and again asks the Senate to adopt the report and request a complete and detailed response from the government.

**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)



## CANADIAN WHEAT BOARD

## INQUIRY—DEBATE ADJOURNED

**Hon. Grant Mitchell** rose pursuant to notice of June 16, 2011:

That he will call the attention of the Senate to the federal government's intention to dismantle the Canadian Wheat Board.

He said: Honourable senators, this afternoon I would like to talk about an issue that is very important to Western Canada: the Canadian Wheat Board.

[*English*]

It is, of course, more than coincidental that I rise today, because today is the day that the Minister of Agriculture brought in the piece of legislation that will kill the Canadian Wheat Board. I know that there are those over on that side who say, "No, no, no, it will not die." The fact of the matter is that this legislation will kill the Canadian Wheat Board.

As I said several weeks ago — and I have to repeat this because it captures it so well a sentiment that I am seeing more and more across the way — in spite of all the evidence — it does not matter what the evidence indicates; it does not matter what experts say; it does not matter what is obvious and logical — this government will continue to deny whatever it is that all of that evidence supports and defends.

We have to remember the Monty Python skit where that parrot is clearly dead, that parrot is stiff and dead, and the clerk to whom the parrot is being returned says, "No, that parrot is not dead. That parrot is not dead."

The fact of the matter is that in the face of all the evidence, this government continues to say things like, "Climate change is not really a problem, and the Canadian Wheat Board really will not die when this piece of legislation comes in."

Well, it will die. The Canadian Wheat Board, in the words of Monty Python, will cease to be. Let me tell you why that will be the case and then indicate some of the things we will lose as a result of that.

However, before I start, I would like to mention a couple of statements made by the senior-most people in this government that debase and diminish this debate in a way that I think is disconcerting. In fact, these statements amount to bullying, and they are very unbecoming of the people who made them.

I notice that the Prime Minister said — last week, I think it was — that there is a train barreling down the tracks and it will crush the Canadian Wheat Board. Why would the Prime Minister of Canada say that? Are there not tens of thousands of Canadian farmers who, in spite of the fact that they actually disagree with the Prime Minister — and this is the kind of freedom they have, which Senator Finley spoke about so eloquently today, to be able to stand up and disagree with the Prime Minister. These are hard-working Canadians who happen to disagree. They want the Canadian Wheat Board. They are opposed to this legislation. They are confronted with the senior-most political figure in this

country using the kind of language that debases and diminishes them in a way that is absolutely unbecoming and diminishes the kind of public policy debate that we need to have in this country. If the Prime Minister cannot elevate that debate, imagine where we are going. Let us stop that kind of bullying.

Then we hear the Minister of Agriculture talk about how today is the Canadian Wheat Board's birthday and he is happy to go and blow the candles out, the implication being that he does not particularly care if the Canadian Wheat Board dies. Imagine the senior-most agricultural official in this government treating farmers who happen to disagree with that policy with that kind of sentiment.

I just mention that this is very unbecoming, and it says something about the nature of this government. This government should watch itself in that regard.

Why will this bill kill the Canadian Wheat Board? It will for a number of reasons. First — and this is the most insidious argument that the government uses — the government says, "If the Canadian Wheat Board is so good, why does the Canadian Wheat Board not just compete and prove how good it is?"

The fact is that over decades, the Canadian Wheat Board has never taken profit out of what it does and put that profit into investing in infrastructure that would allow it to compete with the private grain companies that in fact have done that. These grain companies take money out of their processes — they take profit — and they have invested in grain terminals and collection facilities for the grain trade.

The Canadian Wheat Board has not done that. They have taken what would otherwise have been profits and passed that along to farmers.

It is interesting that when Canadian National and Air Canada were privatized, they both received hundreds of millions of dollars — in fact, billions of dollars — of capital infusion by the Canadian government to give them a chance to stand and compete. If you used nothing more than those two examples, it would certainly dictate that if the government is serious about giving the Canadian Wheat Board a chance to compete, the Canadian Wheat Board should get some kind of infusion of capital so that they could, in fact, have the facility to compete. Without those facilities, they will be reduced to depending upon their competitors' facilities. They have done that now, but of course there has been legislation to give them priority and presence in that process.

As soon as this new Canadian Wheat Board legislation passes, they will not have that legislative priority and they will simply be at the whim of their fiercest competitors, who will not, one would think, be inclined to be particularly helpful to the Canadian Wheat Board's efforts to manage grain transportation, shipment and marketing on behalf of the many farmers who have supported that institution for so long.

• (1540)

Speaking of competition, just to give honourable senators an idea of exactly what is at stake here, it is very interesting to see the response and the interest in the U.S. to the thought that U.S. negotiators would win the negotiation with Canada to do away with



or otherwise restructure, or in this case it will be do away with, state trading enterprises like the Canadian Wheat Board. The representative of the U.S. Wheat Associates said to the United States trade representative, that the single most important action to come out of the multilateral WTO process would be the elimination of export state trading enterprises, and I say, "like the Canadian Wheat Board." The single most significant advantage that these wheat interests in the U.S. could achieve would be the destruction of state trading enterprises like the Canadian Wheat Board.

One would think that, if that gain is such an important advantage to these interests in the U.S., we would have got something in return, that Canada with its great government negotiating — hard as I am sure they think they did — would have received something in return. What did we receive? We have asked and asked that question. We gave up a huge concession in this Canadian Wheat Board legislation and we have and will receive absolutely nothing in return.

Why would we do that? Why would we hand one of our fiercest competitors — the U.S. wheat competitors — this advantage and get nothing in return? It could be nothing but an ideological obsession of this government to do away with this kind of institution no matter what the economic consequences are. There will be tremendous economic and other consequences.

Let us just begin to itemize the losses that we will see once the Canadian Wheat Board begins to diminish in its presence and ultimately dies. First, consider that 75 per cent of the shipments that go out of the Port of Churchill in Manitoba are Canadian Wheat Board wheat. As sure as I am standing here, as sure as we are all in this place, and you watch: Churchill's Port will close very quickly. The government will be responsible for that. The second thing is producer car groups. Some farmers just want some competition out there in the railways. Senator Eaton was eloquent about the railways and made some good points. The fact is there are only two railways, apart from the short-line railways which are diminishing and dying. These two railways do not even allow these other smaller railway companies to use their lines. There is all kinds of precedent for that, with respect to cell phone usage and fibre optics. The government has insisted we allow competition. There is very little competition in railway transportation right now. The quotes are within pennies of each other. After thousands of miles of shipping this stuff, millions of tonnes, pennies of difference, there is very little competition.

What there is has been sustained by the work of the Canadian Wheat Board because it is Canadian Wheat Board wheat that goes on the short-line railways. It is Canadian Wheat Board wheat that supports the sidings that sustain agricultural communities and their ability to deliver wheat quickly to the system. It is Canadian Wheat Board wheat that supports producer pay car groups — the ones where the groups buy their own cars and do not use the multinational cars. The Canadian Wheat Board has defended and advocated frequently on behalf of Western Canadian farmers to get proper railcar allocation because it is too much trouble for the major railway companies to bother to get the railcars where they need to be when needed. We will lose huge elements of competition that have been

sustained by Canadian Wheat Board wheat and Canadian Wheat Board advocacy efforts. We will lose that in the face of this piece of legislation. That kind of competition is going to die. Those are some of the losses that we are going to see in the not-too-distant future because this bill will, as surely as we are here, kill that Canadian Wheat Board process.

It is a question of democracy. Once again was it not Senator Finley who argued so eloquently today for defending democracy? Our values around the world are defended by our military. Absolutely they are. We need to defend some of these values here in Canada and have the support of people like Senator Finley and his government. What farmers and the Canadian Wheat Board are asking for is simply the opportunity to have a fair, open vote. Why do we not let farmers decide? We just had a vote that this government will not recognize. The Canadian Wheat Board held one in which 61 per cent of the farmers who voted, voted in favour of a single desk Canadian Wheat Board. This government stands on such a high pedestal when it talks about democratic values. What part of a vote for the Canadian Wheat Board cannot they see as being important and significant to sustaining democratic values? Why is it that this government that does not want to intervene and does not like paternalistic government is taking this decision out of the hands of Canadian farmers? What is it afraid of? Let democracy work. What is it about freedom of speech this government does not get? What is it about freedom of speech that this government cannot broach when they stifle the Canadian Wheat Board and say, "You cannot advocate for your farmers on this particular issue." They could not defend themselves. How does that serve democracy?

The fact is that this policy is all wrong. Canadian Wheat Board is going to die as a result of this legislation. It will die because the Canadian Wheat Board has passed along its profits rather than invested in infrastructure. It has been able to do that because it had priority in the use of that infrastructure due to legislation that protected its interests and the interests of the many farmers that benefited from it. There will be profound losses once the Canadian Wheat Board is gone, in many different ways. One of the most significant ways is the loss of any kind of competition in transportation for these farmers' product.

There is also going to be the loss of a great advocate in the Canadian Wheat Board, the advocacy that they perform with the major railways to ensure there are adequate railcar allocations and they have performed over and over in U.S.-Canada trade disputes. Does anyone in this chamber think there will not be an enhanced number of trade disputes with the U.S. when they start seeing more and more independent Canadian trucks driving down there with Canadian wheat? All of a sudden, that will elevate the impact of Canadian exports to the U.S., and it will elevate the ire of their farmers. We know American farmers are not particularly fussy about competition with their Canadian trading competitors. We will see more and more trade disputes with the U.S., and the Canadian Wheat Board will not be there to defend them. I wager that this government will not be there to defend the farmers because they do not get how important it is that the interests of farmers in this country be defended. The very core, the heart, the base of Western Canada's economic interests will be eroded, diminished and undercut by this Canadian Wheat Board legislation. We will stand here in; will it be a year, two years, maybe three years, and we will say "Absolutely, we told you so."



## [Translation]

**Hon. Maria Chaput:** Honourable senators, Senator Mitchell mentioned that the Port of Churchill, Manitoba could be negatively affected and suffer job losses. That is also what I am hearing from people in my region.

I have also been told that Manitoba alone could lose as many as 500 jobs, because of the government's decision.

Can you tell us if you have heard anything about other possible job losses, elsewhere than in Manitoba?

• (1550)

**Senator Mitchell:** About two years ago, I visited Churchill, accompanied by several of my colleagues from the Energy and Environment Committee. We met with several officials from Churchill, as well as representatives of the railway sector. Everyone seemed to agree that Churchill's economy depends on its port. It is fair to say that about 50 or 60 per cent of all jobs in Churchill are somehow connected to the port. Everyone we met with appreciated the importance of the Port of Churchill.

The government claims that its priority is jobs for Canadians. Yet it seems to have forgotten about jobs in Churchill, which is rather sad.

(On motion of Senator Plett, debate adjourned.)

## [English]

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, pursuant to rule 7, we will suspend the sitting. There is a standing vote deferred until 5:30 p.m. pursuant to rule 67(2). The bells will be sounding at 5:15 for 15 minutes, pursuant to rule 66(3). Pursuant to rule 7(2), the sitting is suspended until 5:15 p.m., when the bells will start ringing to call in the senators.

(The sitting of the Senate was suspended.)

• (1730)

(The sitting of the Senate was resumed.)

MOTION TO CHANGE COMMENCEMENT TIME  
ON WEDNESDAYS AND THURSDAYS AND TO EFFECT  
WEDNESDAY ADJOURNMENTS ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, seconded by the Honourable Senator LeBreton, P.C.:

That, during the remainder of the current session,

(a) when the Senate sits on a Wednesday or a Thursday, it shall sit at 1:30 p.m. notwithstanding rule 5(1)(a);

(b) when the Senate sits on a Wednesday, it stand adjourned at the later of 4 p.m. or the end of Government Business, but no later than the time otherwise provided in the Rules, unless it has been suspended for the purpose of taking a deferred vote or has earlier adjourned;

(c) when the Senate sits past 4 p.m. on a Wednesday, committees scheduled to meet be authorized to do so, even if the Senate is then sitting, with the application of rule 95(4) being suspended in relation thereto; and

(d) when a vote is deferred until 5:30 p.m. on a Wednesday, the Speaker shall interrupt the proceedings, if required, immediately prior to any adjournment but no later than the time provided in paragraph (b), to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and that committees be authorized to meet during the period that the sitting is suspended;

On the motion of the Honourable Senator Mockler, seconded by the Honourable Senator Wallace:

That the original question be now put.

Motion adopted on the following division:

YEAS  
THE HONOURABLE SENATORS

Andreychuk	Manning
Angus	Marshall
Boisvenu	Martin
Braley	Meighen
Brazeau	Meredith
Brown	Mockler
Carignan	Nancy Ruth
Champagne	Neufeld
Cochrane	Nolin
Comeau	Ogilvie
Demers	Patterson
Di Nino	Plett
Dickson	Poirier
Duffy	Raine
Eaton	Rivard
Finlay	Runciman
Fortin-Duplessis	Seidman
Frum	Smith ( <i>Sauvel</i> )
Gerstein	St. Germain
Greene	Stewart Olsen
Housakos	Stratton
Johnson	Tkachuk
Lang	Verner
LeBreton	Wallace
MacDonald	Wallin—50

NAYS  
THE HONOURABLE SENATORS

Banks	Jaffer
Chaput	Joyal
Cordy	Losier-Cool
Cowan	Mahovlich
Dallaire	Mercer



Day  
De Bané  
Downe  
Dyck  
Eggleton  
Fairbairn  
Fraser  
Furey  
Harb  
Hervieux-Payette  
Hubley

Merchant  
Mitchell  
Moore  
Munson  
Peterson  
Ringuette  
Robichaud  
Sibbeston  
Smith (*Cobourg*)  
Tardif  
Zimmer—32

#### ABSTENTIONS THE HONOURABLE SENATORS

Cools—1

**The Hon. the Speaker:** Honourable senators, it was moved by Senator Carignan, seconded by Senator LeBreton:

That during the remainder of the current session,

- (a) when the Senate sits on a Wednesday, or a Thursday, it shall sit at 1:30 p.m., notwithstanding rule 5(1)(a);
- (b) when the Senate sits on a Wednesday, it stand adjourned at the later of 4 p.m. or at the end of Government Business, but no later than the time otherwise provided in the rules, unless it has been suspended for the purpose of taking a deferred vote or has earlier adjourned;
- (c) when the Senate sits past 4 p.m. on a Wednesday, committees scheduled to meet be authorized to do so, even if the Senate is then sitting, with the application of rule 95(4) being suspended in relation thereto; and
- (d) when a vote is deferred until 5:30 p.m. on a Wednesday, the Speaker shall interrupt the proceedings, if required, immediately prior to any adjournment but no later than the time provided in paragraph (b), to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and that committees be authorized to meet during that period that the sitting is suspended.

Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

**The Hon. the Speaker:** All those in favour of the motion will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed to the motion will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "yeas" have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** A standing vote is called.

Motion adopted on the following division:

#### YEAS THE HONOURABLE SENATORS

Andreychuk  
Angus  
Boisvenu  
Braley  
BrazEAU  
Brown  
Carignan  
Champagne  
Cochrane  
Comeau  
Demers  
Di Nino  
Dickson  
Duffy  
Eaton  
Finlay  
Fortin-Duplessis  
Frum  
Gerstein  
Greene  
Housakos  
Johnson  
Lang  
LeBreton  
MacDonald

Manning  
Marshall  
Martin  
Meighen  
Meredith  
Mockler  
Nancy Ruth  
Neufeld  
Nolin  
Ogilvie  
Patterson  
Plett  
Poirier  
Raine  
Rivard  
Runciman  
Seidman  
Smith (*Saurel*)  
St. Germain  
Stewart Olsen  
Stratton  
Tkachuk  
Verner  
Wallace  
Wallin—50

#### NAYS THE HONOURABLE SENATORS

Banks  
Chaput  
Cordy  
Cowan  
Dallaire  
Day  
De Bané  
Downe  
Dyck  
Eggleton  
Fairbairn  
Fraser  
Furey  
Harb  
Hervieux-Payette  
Hubley

Jaffer  
Joyal  
Losier-Cool  
Mahovlich  
Mercer  
Merchant  
Mitchell  
Moore  
Munson  
Peterson  
Ringuette  
Robichaud  
Sibbeston  
Smith (*Cobourg*)  
Tardif  
Zimmer—32

#### ABSTENTIONS THE HONOURABLE SENATORS

Cools—1

(The Senate adjourned until Wednesday, October 19, 2011, at 1:30 p.m.)



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